IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 852 OF 2004
IN
Summary SUIT NO. 2728 OF 2004

Rashtriya Ispat Nigam Limited . .... Plaintiff
vs.
Jog Engineering Limited ... Defendant

Bhalwal i/b. Vyas & Bhalwal for Plaintiff
Clistofer D'souza i/b. Crawford Bayley & Co., for defendant

CORAM: S. U. KAMDAR J.

Date: 28/9/2005

P.C.

The present suit is filed for the recovery of a sum of Rs. 4,95,483.22 purportedly claiming Rs. 3,05,932.09 being the principal amount and Rs.1,89,551.13 being interest thereon,as per the statement of claim. The Plaintiff had a larger claim and for that purpose the Plaintiff had filed a Company Petition being Company petition no. 200 of 2003 . By order dated 28th November 2003, this court passed an order directing the defendant to pay to the Plaintiff a total amount of Rs.9,12,911/- and for the balance amount the Plaintiff was directed to file a suit. The said amount of Rs.9,12,911/- was ordered to be paid in three installments. There is no dispute that the aforesaid amount has already been paid. In so far as the balance claim on account of interest the Plaintiff was

given liberty to file a civil suit for recovery thereof.

2. Learned advocate for the Plaintiff took me through the papers and agitated that the said amount is not reflected as the balance interest amount, but the amount is due and payable towards principal. I have considered the said documents which are relied upon by the Plaintiff. On a perusal of the same I find that it is not clear whether the said amout is due and payable to the Plaintiff as contended. In any event substantial claim has been paid by the defendant to the Plaintiff . I am of the opinion that the present suit raises a triable issue. In that view of the matter the Summons for Judgment is dismissed. Unconditional leave granted.

(S. U. KAMDAR J.)

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